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SERVICE DATE – JANUARY 7, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 640)

CSX TRANSPORTATION, INC. — ABANDONMENT —
IN ATKINSON AND WARE COUNTIES, GA

IN THE MATTER OF AN OFFER OF FINANCIAL ASSISTANCE

Decided: January 6, 2004

By decision served on December 24, 2003, the Board, under 49 U.S.C. 10903, granted CSX Transportation, Inc. (CSXT), authority to abandon and discontinue service over a 23.25-mile portion of its Southern Region, Jacksonville Division line extending from milepost AP 594.69, near Waresboro, to milepost AP 617.94, near Pearson, in Atkinson and Ware Counties, GA (the line). The abandonment authorization was scheduled to become effective on January 23, 2004, unless an offer of financial assistance (OFA) was filed on or before January 5, 2004.

On January 2, 2004, St. Marys Railroad Company (St. Marys) timely filed an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27 to purchase the line for its net liquidation value of \$261,203.

An OFA to acquire a line for continued rail service need not be detailed, but an offeror must show that it is financially responsible and that the offer is reasonable. See Conrail Abandonments Under NERSA, 365 I.C.C. 472 (1981). St. Marys has submitted financial information, showing that it has the financial resources to acquire and operate the line. St. Marys is thus found to be financially responsible.

St. Marys has stated that it intends to provide rail service over the line. Because St. Marys is financially responsible and has offered financial assistance, the effective date of the decision authorizing the abandonment will be postponed.

Any person filing a request to set terms and conditions must pay the requisite filing fee, set forth at 49 CFR 1002.2(f)(26), which currently is \$16,800. An original and 10 copies of the request should be submitted along with the fee, in an envelope bearing the docket number of this proceeding, along with the words “Attention: Office of Proceedings, Request to Set Terms and Conditions” in the lower left hand corner.

Appeals to this decision are governed by 49 CFR 1011.2(a)(7). Any appeal must be filed within 10 days of the service date of this decision and will be heard by the entire Board.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The effective date of the decision authorizing the abandonment is postponed to permit the OFA process under 49 U.S.C. 10904 and 49 CFR 1152.27 to proceed.
2. If St. Marys and CSXT cannot agree on the purchase price, either party may request the Board to establish the terms and conditions of the purchase price on or before February 2, 2004. If no agreement is reached and no request is submitted by that date, the Board will serve a decision vacating this decision and allowing the abandonment authorization to become effective.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary